

Remarks

This Amendment and the following remarks are intended to fully respond to the non-Final Office Action mailed July 27, 2009. With this Amendment, claims 17-23 are cancelled without prejudice or disclaimer. Claims 1 and 5 are amended. Claims 24 and 25 are new. All amendments and the new claims are supported by the specification, claims, and drawings as originally filed. No new matter is added. Claims 1-16, 24, and 25 remain pending.

Reconsideration and allowance of the pending claims is requested for at least the following reasons.

Specification Objections

At page 2 of the Action, the Abstract is objected to for containing more than a single paragraph and use of legal phraseology. Applicants traverse the objection and note that the Abstract has been amended above to address the issues raised by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

At page 2 of the Action, claim 17 is rejected under §112, second paragraph, for being indefinite. Applicants respectfully traverse the rejection. Claim 17 has been cancelled above. Therefore, the rejection is moot and withdrawal is requested.

Claim Rejections - 35 U.S.C. § 103

At page 3 of the Action, claims 1-23 are rejected under 35 U.S.C. 103(a) as being obvious over Standard Test Method for Maturity of Cotton Fibers, May 1980 (hereinafter the "Standard") in view of U.S. Patent 7,289,210 to Jang. Specifically, the Action cites the description found at pages 2 and 3 of the present Application in view of Jang. Applicants traverse this rejection and do not concede the correctness of the rejection or any characterizations of the cited art.

As a first matter, it is noted that claims 17-23 are cancelled with this Amendment.

Second, the rejection should be withdrawn because the Standard and Jang fail to disclose or suggest, either alone or in combination, all of the elements of independent claim 1.

Independent claim 1 is directed to a method for measuring the maturity or cell wall thickening of a sample of cellulosic fibre comprising a plurality of individual fibres. Claim 1 recites, in part:

- conducting computer analysis on the image(s) captured in step b) to determine the maturity of the cellulosic fibre by comparing the image(s) interference data to maturity reference data, and wherein an average value of fibre maturity and a fibre maturity distribution is determined for the sample of fibre.

As described in one non-limiting embodiment in the subject Application consistent with the recited element of claim 1, images are sent to a computer 9 which is programmed to analyse sample images with reference to a preselected set of reference interference colour data for a type of tested fibre. See Application page 12, ll. 18-24; and FIG. 1. Specifically, analysis is carried out by the computer analysing the colour of the pixels in the images which are then compared to maturity reference data to determine maturity values and maturity distributions. Id.

This disclosed embodiment is beneficial as a more reliable and repeatable fibre maturity test may be performed that is independent of the skill and experience of the operator, thereby allowing interference colours of fibre interference to be analytically determined without subjective interpretation. See Application page 5, ll. 2-5.

The Standard fails to disclose or suggest subject matter related to the recited element of claim 1. Specifically, the description found at pages 2 and 3 of the present Application (reproduced below) fails to disclose or suggest subject matter related to the recited element of claim 1.

A standard test for determining the maturity of fibres by viewing them through crossed polarizing lenses and a first-order red Selenite compensator plate is described in a text entitled "The Standard Method of Test for Maturity of Cotton Fibres (Sodium Hydroxide Swelling and Polarized Light Procedure), 354-359, Designation: D1442-00, ASTM Textile and Fibre Test Methods 2000". The compensator plate is inserted between the polarizing lenses to increase the level of retardation between the slow and fast rays and hence improve the

intensity of colours produced when the rays are recombined. The compensator is also known as wavelength retardation plate or wavelength filter.

The standard test involves arranging a bundle of fibres parallel to each other with a minimum of overlapping in a solution such as water or a clear mineral oil on a glass microscope slide. A cover slide is then positioned on top of the fibres before being placed between the crossed polar lens arrangement. The interference colours appearing from the fibres are the result of the optical phenomena described above and have been classified in a text entitled "Polarized Light Preferred for Maturity Tests" Textile World, February 1945, by Grimes.

Application, page 2, line 33 – page 3, line 19. Applicants note that the above cited passage merely describes a standard test for determining maturity of fibers by viewing them through crossed polarized lenses, not conducting computer analysis on the image(s) captured in step b) to determine the maturity of the cellulosic fibre by comparing the image(s) interference data to maturity reference data, and wherein an average value of fibre maturity and a fibre maturity distribution is determined for the sample of fibre, as recited in claim 1.

Jang also fails to disclose or suggest subject matter related to the recited element of claim 1. Jang discloses systems and methods for determining optical and physical properties of a multilayered birefringent wood and non-wood specimens. See e.g., Jang, col. 1. ll. 17-24. However, Applicants assert that Jang does not disclose or suggest (alone or in combination with the standard) conducting computer analysis on the image(s) captured in step b) to determine the maturity of the cellulosic fibre by comparing the image(s) interference data to maturity reference data, and wherein an average value of fibre maturity and a fibre maturity distribution is determined for the sample of fibre, as recited in claim 1. (Emphasis added).

In view of the foregoing, reconsideration and allowance of claim 1, as well as claims 2-16 that depend either directly or indirectly therefrom, are respectfully requested.

New Claims

Independent claims 24 and 25 are new. Consideration and allowance of claims 24 and 25 are respectfully requested.

Conclusion

Favorable reconsideration is requested. Applicants do not otherwise concede the correctness of the Examiner's rejections and reserve the right to make additional arguments as may be necessary.

Please contact the undersigned with any questions regarding this application.

Respectfully submitted,

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